# IN THE UNITED STATES BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	CHAPTER 13
TERRENCE JAMES DELANEY, a/k/a TERRENCE J. DELANEY,	CASE NO.: 5:24-bk
a/k/a TERRENCE DELANEY,	X ORIGINAL PLAN AMENDED PLAN (Indicate 1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup>
Debtor	, etc.) Number of Motions to Avoid Liens Number of Motions to Value Collateral

### **CHAPTER 13 PLAN**

#### **NOTICES**

Debtors must check one box on each line to state whether or not the plan includes each of the following items. If an item is checked as "Not Included" or if both boxes are checked or if neither box is checked, the provision will be ineffective if set out later in the plan.

1	The plan contains nonstandard provisions, set out in § 9,	☑ Included	□ Not
	which are not included in the standard plan as approved by		Included
	the U.S. Bankruptcy Court for the Middle District of		
	Pennsylvania.		
2	The plan contains a limit on the amount of a secured claim,	□Included	☑ Not
	set out in § 2.E, which may result in a partial payment or no		Included
	payment at all to the secured creditor.		
3	The plan avoids a judicial lien or nonpossessory,	☐ Included	☑ Not
	nonpurchase-money security interest, set out in § 2.G.		Included

### YOUR RIGHTS WILL BE AFFECTED

READ THIS PLAN CAREFULLY. If you oppose any provision of this plan, you must file a timely written objection. This plan may be confirmed and become binding on you without further notice or hearing unless a written objection is filed before the deadline stated on the Notice issued in connection with the filing of the plan.

#### 1. PLAN FUNDING AND LENGTH OF PLAN.

#### A. Plan Payments From Future Income

1. To date, the Debtor paid \$N/A (enter \$0 if no payments have been made to the Trustee to date). Debtor shall pay to the Trustee for the remaining term of the plan the following payments. If applicable, in addition to monthly plan payments, Debtor shall make conduit payments through the Trustee as set forth below. The total base plan is \$51,000.00, plus other payments and property stated in \$1B below:

Start mm/yyyy	End mm/yyyy	Plan Payment	Estimated Conduit Payment	Total Monthly Payment	Total Payment Over Plan Tier
02/2024	01/2029	\$850.00	N/A	\$850.00	\$51,000.00
				Total	\$51,000.00
				Payments:	

- 2. If the plan provides for conduit mortgage payments, and the mortgagee notifies the Trustee that a different payment is due, the Trustee shall notify the Debtor and any attorney for the Debtor, in writing, to adjust the conduit payments and the plan funding. Debtor must pay all postpetition mortgage payments that come due before the initiation of conduit mortgage payments.
  - 3. Debtor shall ensure that any wage attachments are adjusted when necessary to conform to the terms of the plan.

4.	CHECK ONE:	(X) Debtor is at or under median income. If this line is checked, the rest of § 1.A.4 need not be completed or reproduced.
		( ) Debtor is over median income. Debtor estimates that a minimum of \$ must be paid to allowed unsecured creditors in order to comply with the Means Test.

# B. Additional Plan Funding From Liquidation of Assets/Other

1. The Debtor estimates that the liquidation value of this estate is \$0.00. (Liquidation value is calculated as the value of all non-exempt assets after the deduction of valid liens and encumbrances and before the deduction of Trustee fees and priority claims.)

Check one of the following two lines.

0	the of the following the thresh
X	No assets will be liquidated. <i>If this line is checked, the rest of § 1.B need not be completed or reproduced.</i>
	Certain assets will be liquidated as follows:
2.	In addition to the above specified plan payments, Debtor shall dedicate to the plan proceeds in the estimated amount of \$ from the sale of property known and designated as All sales shall be completed by, 20 If the property does not sell by the date specified, then the disposition of the property shall be as follows:

3.	Other payments from any source(s) (describe specifically) shall be paid to the Trustee as follows:
SECU	URED CLAIMS.
A. <u>P</u>	re-Confirmation Distributions. Check one.
<u>X</u>	None. If "None" is checked, the rest of § 2.A need not be completed or reproduced.
	Adequate protection and conduit payments in the following amounts will be paid by the Debtor to the Trustee. The Trustee will disburse these payments for which a proof of claim has been filed as soon as practicable after receipt of said payments from the Debtor.

Name of Creditor	<b>Last Four Digits</b>	Estimated
	of Account	Monthly
	Number	Payment

- 1. The Trustee will not make a partial payment. If the Debtor makes a partial plan payment, or if it is not paid on time and the Trustee is unable to pay timely a payment due on a claim in this section, the Debtor's cure of this default must include any applicable late charges.
- 2. If a mortgagee files a notice pursuant to Fed. R. Bankr. P. 3002.1(b), the change in the conduit payment to the Trustee will not require modification of this plan.

# B. Mortgages (Including Claims Secured by Debtor's Principal Residence) and Other Direct Payments by Debtor. Check one.

None. If "None" is checked, the rest of § 2.B need not be completed or reproduced.

X Payments will be made by the Debtor directly to the creditor according to the original contract terms, and without modification of those terms unless otherwise agreed to by the contracting parties. All liens survive the plan if not avoided or paid in full under the plan.

Name of Creditor	Description of Collateral	Last Four Digits of Account Number
Lakeview Loan Servicing	1st mortgage on 320 Seven Bridge Road, East Stroudsburg, PA 18301	2396
Ted's Used Cars	Auto loan on 2016 BMW 320i	7591

2.

C.	Arrears, including,	but not limited to,	claims secured by	<u>Debtor's principa</u>	<u>l residence</u> .
	Check one.				

None. If "None" is checked, the rest of § 2.C need not be completed or reproduced.

 $\mathbf{X}$ The Trustee shall distribute to each creditor set forth below the amount of arrearages in the allowed proof of claim. If post-petition arrears are not itemized in an allowed claim, they shall be paid in the amount stated below. Unless otherwise ordered, if relief from the automatic stay is granted as to any collateral listed in this section, all payments to the creditor as to that collateral shall cease, and the claim will no longer be provided for under § 1322(b)(5) of the Bankruptcy Code:

Name of Creditor	Description of Collateral	Estimated Pre-petition Arrears to be Cured	Estimated Post- petition Arrears to be Cured	Estimated Total to be paid in plan
Lakeview Loan Servicing	1 <sup>st</sup> mortgage on 320 Seven Bridge Road, East Stroudsburg, PA 18301	\$20,000.00	\$1,000 – post- petition fees	\$21,000.00

# D. Other secured claims (conduit payments, claims for which a § 506 valuation is not applicable, etc.)

 The claims below are secured claims for which a § 506 valuation is not applicable, and
can include: (1) claims that were either (a) incurred within 910 days of the petition date
and secured by a purchase money security interest in a motor vehicle acquired for the
personal use of the Debtor, or (b) incurred within 1 year of the petition date and secured
by a purchase money security interest in any other thing of value; (2) conduit payments:
or (3) secured claims not provided for elsewhere

None. *If "None" is checked, the rest of § 2.D need not be completed or reproduced.* 

- 1. The allowed secured claims listed below shall be paid in full and their liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under § 1328 of the Code.
- 2. In addition to payment of the allowed secured claim, present value interest pursuant to 11 U.S.C. §1325(a)(5)(B)(ii) will be paid at the rate and in the amount listed below, unless an objection is raised. If an objection is raised, then the court will determine the present value interest rate and amount at the confirmation hearing.
- 3. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

X

Name of Creditor	Description of Collateral	Principal	Interest	Total to be
		Balance of Claim	Rate	Paid in Plan

# E. Secured claims for which a § 506 valuation is applicable. Check one.

X None. If "None" is checked, the rest of § 2.E need not be completed or reprodu
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Claims listed in the subsection are debts secured by property not described in § 2.D of this plan. These claims will be paid in the plan according to modified terms, and liens retained until the earlier of the payment of the underlying debt determined under nonbankruptcy law or discharge under § 1328 of the Code. The excess of the creditor's claim will be treated as an unsecured claim. Any claim listed as "\$0.00" or "NO VALUE" in the "Modified Principal Balance" column below will be treated as an unsecured claim. The liens will be avoided or limited through the plan or Debtor will file an adversary action (select method in last column). To the extent not already determined, the amount, extent or validity of the allowed secured claim for each claim listed below will be determined by the court at the confirmation hearing. Unless otherwise ordered, if the claimant notifies the Trustee that the claim was paid, payments on the claim shall cease.

Name of Creditor	Description of Collateral	Value of Collateral (Modified Principal)	Interest Rate	Total Payment	Plan, Adversary or Other Action

# F. Surrender of Collateral. Check one.

X	None. If "No	one" is checked,	the rest of § 2.F	need not be	completed or	reproduced.
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The Debtor elects to surrender to each creditor listed below the collateral that secures the creditor's claim. The Debtor requests that upon confirmation of this plan or upon approval of any modified plan the stay under 11 U.S.C. §362(a) be terminated as to the collateral only and that the stay under §1301 be terminated in all respects. Any allowed unsecured claim resulting from the disposition of the collateral will be treated in Part 4 below.

Name of Creditor	Description of Collateral to be Surrendered

- **G.** <u>Lien Avoidance</u>. Do not use for mortgages or for statutory liens, such as tax liens. Check one.
- X None. If "None" is checked, the rest of § 2.G need not be completed or reproduced.

<u>X</u>	Other administrative claims no Check one of the following two None. If "None" is checked, the reproduced.  The following administrative come of Creditor	o lines.  the rest of § 3.A.3 need not be completed or
	Check one of the following two None. If "None" is checked, the	o lines.
3. Other.		
		- 4 : 1 1
suc	ns of the written fee agreement h lodestar compensation shall rapensation approved by the Cor	
\$3,	<b>983.00</b> in the plan. This represe	.00 already paid by the Debtor, the amount of ents the unpaid balance of the presumptively 2016-2(c); or
2. <u>Attorne</u>	<u>y's fees</u> . Complete only one of	f the following options:
_		ble to the Trustee will be paid at the rate fixed b
Administr	ative Claims	
ORITY C	LAIMS.	
Amount A	voided	
Description	on of the liened property.	
		s pursuant to § 522(f) (this § should not be used nortgages).
1	Name of I Lien Description Liened As Sum of Se Exemption Amount A  ORITY C  Administrate the Uni  2. Attorne  a. In a \$3,9 reas  b. \$ term such com	Name of Lien Holder.  Lien Description. (For a judicial lien, include court and docket number.)  Description of the liened property.  Liened Asset Value  Sum of Senior Liens  Exemption Claimed  Amount of Lien  Amount Avoided  ORITY CLAIMS.  Administrative Claims  1. Trustee's Fees. Percentage fees payal the United States Trustee.  2. Attorney's fees. Complete only one of a. In addition to the retainer of \$517.  \$3,983.00 in the plan. This represe reasonable fee specified in L.B.R.  b. \$ per hour, with the terms of the written fee agreement such lodestar compensation shall a compensation approved by the Compensat

# B. Priority Claims (including certain Domestic Support Obligations).

Allowed unsecured claims, entitled to priority under § 1322(a) will be paid in full unless modified under § 9.

Name of Creditor	Estimated Total Payment
IRS	\$1,744.00
PA Department of Revenue	\$286.00

C.	Domestic Support Obligations assigned to or owed to a governmental unit under 11
	U.S.C. §507(a)(1)(B). Check one of the following two lines.

X None. If "None" is checked, the rest of § 3.C need not be completed or repro-
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The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim. This plan provision requires that payments in § 1.A. be for a term of 60 months (see 11 U.S.C. §1322(a)(4)).

Name of Creditor	Estimated Total Payment

#### 4. UNSECURED CLAIMS

A.	Claims of Unsecured Nonpriority Creditors Specially Classified.	Check one	of the
	following two lines.		

v	None If "Mana"	, in almostrad	the west of	6 1 1	h	lated on ma	
<u>X</u>	None. If "None"	із спескей,	the rest of S	z 4.A neea noi	ve comp	neiea or re	ргоаисеа.

 To the extent that funds are available, the allowed amount of the following
unsecured claims, such as co-signed unsecured debts, will be paid before other,
unclassified, unsecured claims. The claim shall be paid interest at the rate stated
below. If no rate is stated, the interest rate set forth in the proof of claim shall apply.

Name of Creditor	Reason for Special	Estimated	Interest	Estimated
	Classification	Amount of	Rate	Total
		Claim		<b>Payment</b>

B. Remaining allowed unsecured claims will receive a pro-rata distribution of funds remaining after payment of other classes.

# 5. EXECUTORY CONTRACTS AND UNEXPIRED LEASES. Check one of the following two lines.

X None. If "None" is checked, the rest of § 5 need not be completed or reproduced.

The following contracts and leases are assumed (and arrears in the allowed claim to be cured in the plan) or rejected:

Name of Creditor	Description of	Monthly	Interest	Estimated	Total	Assume
	Contract or	Payment	Rate	Arrears	Plan	or
	Lease				Payment	Reject

#### 6. VESTING OF PROPERTY OF THE ESTATE.

## Property of the estate will vest in the Debtor upon

Check the applicable line:		
plan confirmation. X entry of discharge. closing of case:		

### 7. DISCHARGE: (Check one)

- ( ) The debtor will seek a discharge pursuant to § 1328(a).
- The debtor is not eligible for a discharge because the debtor has previously received a (X) discharge described in § 1328(f).

#### **8. ORDER OF DISTRIBUTION:**

If a pre-petition creditor files a secured, priority or specially classified claim after the bar date, the Trustee will treat the claim as allowed, subject to objection by the Debtor.

Payments from the plan will be made by the Trustee in the following order:

Level 1	Adequate protection payments	\$ -0-	
Level 2	Debtor's attorney's fees.	\$ 3,983.00	
Level 3	Domestic Support Obligations	\$ -0-	
Level 4	Priority claims, pro rata	\$ 2,030.00	
Level 5	Secured claims, pro rata	\$ 21,000.00	
Level 6	Specially classified unsecured claims	\$ -0-	
Level 7	General unsecured claims	\$ 19,132.37	
Level 8	Untimely filed unsecured claims to which the	\$ -0-	
	debtor(s) has/have not objected.		
	Subtotal		\$ 46,145.37
	Trustee Commission	\$ 4,854.63	
	Total		\$ 51,000.00

If the above Levels are filled in, the rest of § 8 need not be completed or reproduced. If the above Levels are not filled-in, then the order of distribution of plan payments will be determined by the Trustee using the following as a guide:

- Level 1: Adequate protection payments.
- Level 2: Debtor's attorney's fees.
- Level 3: Domestic Support Obligations.
- Level 4: Priority claims, pro rata.
- Level 5: Secured claims, pro rata.
- Level 6: Specially classified unsecured claims.
- Level 7: Timely filed general unsecured claims.
- Level 8: Untimely filed general unsecured claims to which the Debtor has not objected.

#### 9. NONSTANDARD PLAN PROVISIONS

Include the additional provisions below or on an attachment. Any nonstandard provision placed elsewhere in the plan is void. (NOTE: The plan and any attachment must be filed as one document, not as a plan and exhibit.)

- A. This Chapter 13 Plan provides a distribution chart in Section 8 above that provides estimated distributions to classes of creditors and the Trustee, in addition to all information indicated in the Model Plan.
- B. Debtor shall pay approved unsecured claims in full (100%).

Dated: <u>January 11, 2024</u>	/s/ Vincent Rubino, Esq. VINCENT RUBINO, ESQ., Attorney for Debtor
	/s/ Terrence James Delaney TERRENCE JAMES DELANEY, Debtor

By filing this document, the debtor, if not represented by an attorney, or the Attorney for Debtor also certifies that this plan contains no nonstandard provisions other than those set out in § 9.